

CAUSE NO. 83213

RONALD PRATT AND
ASHLEY WEATHERS

* IN THE COUNTY COURT OF
* LAMAR COUNTY, TEXAS

VS.

*
* LAMAR COUNTY, TEXAS

WERNER ENTERPRISES INC.
AND CHARLES MARVIN

*
* 62 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW RONALD PRATT AND ASHLEY WEATHERS hereinafter called Plaintiff's complaining of WERNER ENTERPRISES INC. AND CHARLES MARVIN hereinafter called Defendants, and for cause of action would respectfully show to the Court and jury the following:

I.

Plaintiff RONALD PRATT is a citizen of Texas residing in Lamar County, Texas. The last three digits of his Social Security Number are 239 and the last three digits of her Texas Driver's License are 085.

Plaintiff ASHLEY WEATHERS is a citizen of Texas residing in Lamar County, Texas. The last three digits of his Social Security Number are 349.

Defendant, WERNER ENTERPRISES INC., is a corporation licensed to do business in Texas and can be served by serving the owner, William Clark, at 8601 Peterbilt Ave., Dallas, Texas 75241.

Discovery is to be conducted under Level Three of Rule 190.2.

II.

Plaintiff's bring this suit to recover for personal injuries sustained by Plaintiff's in a collision with a vehicle operated by Defendant CHARLES MARVIN and owned by Defendant WERNER ENTERPRISES INC. The collision was proximately caused by Defendant CHARLES MARVIN'S negligence in the course and scope of his employment with Defendant WERNER ENTERPRISES INC. Defendant WERNER ENTERPRISES INC. is vicariously liable for the negligence of Defendant CHARLES MARVIN. Said collision occurred on or about September 1, 2013, at Clarksville and loop 286 in Paris, Lamar County, Texas. Defendant ran the stop sign.

III.

At the time and on the occasion in question, and immediately prior thereto, Defendant was negligent in various acts and omissions, including the following, which negligence was a proximate cause of the occurrence in question:

1. In failing to keep a proper lookout.
2. In failing to take proper evasive action.
3. In failing to keep an assured clear distance between vehicles.
4. In failing to control the speed of the vehicle.
5. In failing to timely apply brakes.
6. Defendants actions constitute negligence per se. Plaintiff is entitled to a jury instruction on that issue.

IV.

As a result of the collision above described, Plaintiff suffered severe personal injuries causing Plaintiff to sustain the following damages:

1. Physical pain and suffering in the past and in the future.

2. Mental anguish in the past, which in all reasonable probability will continue in the future.
3. Reasonable and necessary medical expenses in the past, which in all reasonable probability Plaintiff will continue to incur in the future.
4. Physical impairment, incapacity and disability in the past, which in all reasonable probability will continue in the future.
- 5.. Loss of earnings and/or earning capacity in the past, which in all reasonable probability will continue in the future.

V.

By reason of the above and foregoing, Plaintiff's have been damaged in a sum in excess of the minimum jurisdictional limits of this Court.

WHEREFORE, Plaintiff's pray that the Defendants be duly cited to appear and answer herein; that they be held jointly and severally liable and that upon a final trial of this cause, Plaintiff recovers:

1. Judgment against Defendants, jointly and severally, for the Plaintiff's damages as set forth above, in an amount in excess of the minimum jurisdictional limits of this Court;
2. Interest on said judgment at the legal rate from date of judgment;
3. Prejudgment interest as allowed by law;
4. Costs of court; and
5. Such other and further relief to which Plaintiff may be entitled.

Respeciffully submitted,

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By:


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State Bar No. 16842950

ATTORNEY FOR Plaintiff's

I HEREBY CERTIFY THAT THE AFORESAID IS A TRUE
AND CORRECT COPY ON FILE AS OF RECORD IN THE
62nd JUDICIAL DISTRICT COURT, LAMAR CO., TX

SIGNED AND SEALED THIS 19 DAY OF March,
2014 AD.

Jess Anderson
CLERK, DISTRICT COURTS, LAMAR CO., TX